

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
PAY'N SAVE CORP. dba)
ERNST-SPORTSLAND STORES,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 606

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being the appeal of a \$50.00 civil penalty for an alleged incinerator burning violation; having come on regularly for hearing before the Pollution Control Hearings Board on the 20th day of August, 1974, at Seattle, Washington; and appellant, Pay'n Save Corp. dba Ernst-Sportsland Stores, not appearing, and respondent, Puget Sound Air Pollution Control Agency, appearing through its attorney, Keith D. McGoffin; and Board members present at the hearing being Walt Woodward (presiding) and Chris Smith; and the Board having considered the sworn testimony, exhibits, records and files herein and having entered on the

1 26th day of August, 1974, its proposed Findings of Fact, Conclusions of
2 Law and Order, and the Board having served said proposed Findings,
3 Conclusions and Order upon all parties herein by certified mail, return
4 receipt requested and twenty days having elapsed from said service; and

5 The Board having received no exceptions to said proposed Findings,
6 Conclusions and Order; and the Board being fully advised in the premises;
7 now therefore,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
9 Findings of Fact, Conclusions of Law and Order, dated the 26th day of
10 August, 1974, and incorporated by this reference herein and attached
11 hereto as Exhibit A, are adopted and hereby entered as the Board's
12 Final Findings of Fact, Conclusions of Law and Order herein.

13 DATED this 20th day of September, 1974,

14 POLLUTION CONTROL HEARINGS BOARD

15 Walt Woodward
16 WALT WOODWARD, Chairman

17 Chris Smith
18 CHRIS SMITH, Member

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This matter, the appeal of a \$50.00 civil penalty for an alleged incinerator burning violation, came before the Pollution Control Hearings Board (Walt Woodward, presiding officer and Chris Smith) in the Seattle facility of the State Board of Industrial Insurance Appeals at 1:30 p.m., August 20, 1974.

Respondent appeared through Keith D. McGoffin. Eugene Barker, Olympia court reporter, recorded the proceedings.

Appellant did not appear and an attempt to reach appellant by telephone was not successful. After waiting one-half hour, the Board

EXHIBIT A

1 instructed Mr. McGoffin to present his case.

2 Witnesses were sworn and testified. Exhibits were admitted.

3 From testimony heard and exhibits examined, the Pollution Control
4 Hearings Board makes these

5 FINDINGS OF FACT

6 I.

7 On May 15, 1974, one or more employees of appellant burned refuse
8 in an incinerator near appellant's store at 508 South Third Street,
9 Renton, King County, said incinerator being a single-chamber device
10 without emission control apparatus.

11 II.

12 Section 9.05 of respondent's Regulation I makes it unlawful to
13 burn refuse in an incinerator which is not a multiple-chamber device
14 and which is not equipped with emission control apparatus.

15 III.

16 Appellant was aware of Regulation I, and of Section 9.05, prior
17 to May 15, 1974.

18 From these facts, the Pollution Control Hearings Board comes to
19 these

20 CONCLUSIONS OF LAW

21 I.

22 Appellant was in violation of Section 9.05 of respondent's
23 Regulation I as cited in Notice of Violation No. 8424.

24 II.

25 The \$50.00 civil penalty invoked in Notice of Civil Penalty No.
26 1598, being one-fifth of the maximum allowable amount, is reasonable.

27 FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER